

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SSO-00 SS-15 L-03 DHA-02 ORM-01 PRS-01

SCA-01 VO-03 NSC-05 NSCE-00 INR-07 INRE-00 CIAE-00

NSAE-00 ARAE-00 FBIE-00 SY-05 INSE-00 PM-03 /057 W

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC NIACT IMMEDIATE 4519

ODUSA DOD WASHDC NIACT IMMEDIATE

INFO USCINCSO NIACT IMMEDIATE

AMEMBASSY PORT AU PRINCE NIACT IMMEDIATE

PAN CANAL NIACT IMMEDIATE

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JOINT EMBASSY/PCC/CZG MESSAGE

E.O. 11652: N/A

TAGS: CVIS, PQ, PN, HA

SUBJECT: REPATRIATION OF HAITIAN NATIONALS

1. THE CANAL ZONE IMMIGRATION OFFICIALS HAVE HELD 36 HAITIAN NATIONALS SINCE JULY 8, 1975. THE HAITIANS WERE PICKED UP AT SEA BY THE LIBERIAN FLAG VESSEL M/V RIRUCCIA, WHEN SMALL SAILING BOAT IN WHICH THEY WERE SEEKING TO REACH FLORIDA FLOUNDERED AT SEA OFF THE COAST OF JAMAICA. RIRUCCIA CAPTAIN REQUESTED PERMISSION TO DISEMBARK HAITIANS AT BALBOA, THE FIRST PORT OF CALL AFTER VESSEL RESCUED THEM.

2. THE HAITIANS HAVE STATED TO US AND TO LOCAL HAITIAN AUTHORITIES THAT THEY DEPARTED HAITI DUE TO POOR ECONOMIC CONDITIONS THERE. THERE IS NO REPEAT NO EVIDENCE THAT THEY ARE ENTITLED TO POLITICAL ASYLUM DUE TO POLITICAL PERSECUTION, REPRESSION, OR FEAR FOR THEIR LIVES BECAUSE OF SAME. AT NO TIME AS OF THIS DATE HAS ANY OF THE 36

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REQUESTED "POLITICAL" ASYLUM. THE HAITIANS, HOWEVER,

OBJECT TO BEING RETURNED TO HAITI STATING THAT THEIR OBJECTIVE IS TO REACH THE UNITED STATES.

3. CANAL ZONE IMMIGRATION CHIEF FINDS THE HAITIANS INELIGIBLE FOR ADMISSION TO THE CZ. AS EXCLUDABLE ALIENS THEY HAVE NOT BEEN ADMITTED TO CANAL ZONE UNDER ANY OF THE SPECIFIED FORMS OF ENTRY, I.E., PROVISIONAL, TEMPORARY OR REGULAR. THEIR LEGAL STATUS IS THAT OF PERSONS AWAITING ACTION BY IMMIGRATION SERVICE TO EXCLUDE THEM OR TO GRANT ENTRY. SINCE DISEMBARKING THEY HAVE BEEN PROVIDED TEMPORARY ACCOMMODATIONS AT THE CZ IMMIGRATION STATION. UNDER CANAL ZONE CODE, AN EXCLUSION HEARING IS NOT REQUIRED AND THEY MAY BE RETAINED IN CUSTODY UNTIL TRANSPORTATION IS AVAILABLE TO REPATRIATE THEM. SEE 35 CFR 59.53 (B) AND (C).

4. BOTH AGENT FOR THE RIRUCCIA AND THE HAITIAN EMBASSY HAVE SIGNED LETTERS ASSUMING FULL RESPONSIBILITY FOR THE REPATRIATION AND MAINTENANCE OF THE HAITIANS. DAILY COST OF MAINTENANCE FOR THE HAITIANS IS ESTIMATED AT \$1,200 AND AIRLINE PASSAGE TO PORT-AU-PRINCE IS APPROXIMATELY \$6,000.

5. REPATRIATION OF THE HAITIANS HAS BEEN COMPLICATED BY A NUMBER OF FACTORS:

A. THE DESTINATION OF THE HAITIANS WAS THE UNITED STATES AND THEY HAVE EXPRESSED RELUCTANCE TO RETURN TO HAITI. BECAUSE OF THIS RELUCTANCE, PILOT OF BOAC AIRPLANE SCHEDULED TO FLY REFUGEES TO HAITI ON JULY 14 REFUSED TO ACCEPT THEM STATING THAT THEY WERE "HOSTILE PASSENGERS."

B. HAITIAN AMBASSADOR HAS BEEN SEEKING TO CHARTER PLANE FROM PRIVATE PANAMA AIRLINE, COPA. COPA, HOWEVER, BECAUSE OF RELUCTANCE OF PANAMANIAN OFFICIALS TO BECOME ASSOCIATED WITH REPATRIATION, IS INFORMED THAT TOCUMEN AIRPORT IN PANAMA CANNOT BE USED AS POINT OF COPA DEPARTURE FOR FLIGHT. IF CZ AIRBASE IS DEPARTING POINT, COPA REQUESTS CANAL ZONE TO PROVIDE 15 SECURITY PERSONNEL TO ESCORT THE PASSENGERS. (WE ARE SEEKING TO UNTANGLE SOURCE AND REASON FOR ALLEGED PANAMA GOVERNMENTAL REFUSAL LIMITED OFFICIAL USE

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TO ALLOW USE OF TOCUMENT AIRPORT. BUT AT LEAST AS OF THIS MOMENT, THE ONLY AVAILABLE AIRPORT FACILITY IS HOWARD AIR FORCE BASE, CANAL ZONE.) COPA HAS REQUESTED USE OF HOWARD AFB TO FLY HAITIANS BACK.

C. U.S. MILITARY HAS STATED THAT IT IS UNWILLING TO ALLOW HOWARD AFB TO BE USED FOR REPATRIATION WITHOUT STATED DEPARTMENT STATEMENT THAT SUCH USE WOULD BE CONSISTENT WITH U.S.-PANAMA TREATIES AND IN U.S. NATIONAL

INTERESTS.

D. REPATRIATION OTHER THAN BY AIR APPEARS IMPRACTICAL AS WE ARE UNABLE TO IDENTIFY ANY SHIPS WHICH WILL CALL AT HAITI AND, EVEN WERE ONE IDENTIFIABLE, IT IS QUESTIONABLE WHETHER THE CAPTAIN WOULD ACCEPT RESPONSIBILITY FOR THE REFUGEES.

6. WE ARE CONCERNED AT DELAY IN RESOLUTION OF THIS PROBLEM. MAINTENANCE COSTS ARE OBVIOUSLY MOUNTING, SUCH THAT THE HAITIAN AMBASSADOR HAS CALLED BOTH THE EMBASSY AND CZ AUTHORITIES REQUESTING THEIR INTERVENTION IN THE USE OF HOWARD AFB FOR REPATRIATION PURPOSES. THE LONGER REFUGEE PROBLEM REMAINS UNRESOLVED, THERE IS ALSO DANGER THAT THE HAITIANS MAY TRY TO ESCAPE CZ CUSTODY. THAT COULD CREATE TROUBLESOME PROBLEM WITH PANAMANIAN AUTHORITIES.

7. USDAO PORT AU PRINCE IN MESSAGE TO USCINCSO AND INFO DIA WASHDC (141822Z JULY 75) INDICATES HAITIAN FONMIN ADVISED AMBASSADOR ISHAM OF PROBLEM, ASKING FOR ASSISTANCE IN RETURN OF HAITIAN NATIONALS AND STATING GOH WILL PAY ALL COSTS INVOLVED.

8. WE ARE CONTINUING TO WORK AT THIS END IN EFFORTS TO OBTAIN PANAMANIAN AUTHORITY TO USE TOCUMEN AIRPORT. THE U.S. IS ENTITLED TO DO SO UNDER ARTICLE 17 OF 1949 AVIATION AGREEMENT WITH PANAMA. IN THE MEANTIME, WE URGENTLY REQUEST WASHINGTON AUTHORIZATION TO USE HOWARD, WHICH WOULD RESOLVE THE PROBLEM.

9. CANAL ZONE AUTHORITIES ARE AWAITING WASHINGTON INSTRUCTIONS BEFORE PROCEEDING WITH THE ACTUAL REPATRIATION.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975PANAMA04250
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750245-1276
From: PANAMA JOINT
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750751/aaaabtnw.tel
Line Count: 155
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 12 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <10 Jun 2003 by MorefiRH, INA>; RELEASED <12 JUN 2003 by MorefiRH>; APPROVED <12 JUN 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPATRIATION OF HAITIAN NATIONALS
TAGS: CVIS, PQ, PN, HA
To: STATE DOD
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006